

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA**

(1) MARLON C. VASQUEZ,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 22-cv-067-SPS
)	Bryan County Case No.: CJ-2021-172
(1) RICKY A. CARWILE,)	
(2) WOODY BOGLER TRUCKING)	
COMPANY, and)	
(3) ARCH INSURANCE COMPANY,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant, Arch Insurance Company (“Arch”) removes this action to the United States District Court for the Eastern District of Oklahoma pursuant to 28 U.S.C. §§ 1332(a)(1), 1441, and 1446. This action is removable because there is complete diversity of citizenship between Plaintiff, Marlon Vasquez (“Plaintiff”) and Defendants, Ricky Carwile, Woody Bogler Trucking Company and Arch Insurance Company, and because the amount in controversy, exclusive of interest and costs, exceeds the sum or value of \$75,000. In support of this Notice of Removal, Arch states:

Procedural History

1. On December 17, 2021, Plaintiff filed a Petition against Defendants commencing the civil action styled *Marlon C. Vasquez v. Ricky A. Carwile, Woody Bogler Trucking Company and Arch Insurance Company*, Case No. CJ-2021-172, in the District Court of Bryan County, Oklahoma (the “State Court Action”).

2. Plaintiff served Arch with the Petition on February 16, 2022, by serving the Oklahoma Insurance Department.

3. Arch has thus filed this Notice of Removal within the thirty-day period provided by 28 U.S.C. §1446(b) and within one year of the commencement of the action as required by 28 U.S.C. §1446(c)(1).

4. Pursuant to 28 U.S.C. §1446(a) and Local Rule LCvR 81.2, Arch has attached as exhibits to this Notice of Removal true and legible copies of all documents filed or served in the State Court Action: a copy of the Docket Sheet from the State Court Action is attached as **Exhibit 1**; a copy of the Petition is attached as **Exhibit 2**; and a copy of the Notice of Service of Process is attached as **Exhibit 3**. At the time of filing this Notice of Removal, there have been no other filings or proceedings in the State Court Action except those attached as Exhibits 1-3.

5. Arch has not filed a responsive pleading in the State Court Action. In filing this Notice of Removal, Arch does not waive any defense or counterclaim that may be available.

Diversity of Citizenship

6. Plaintiff is a resident and citizen of the state of Texas (Ex. 2, Pet., ¶1.)

7. Arch has its principal place of business in New York. (*Id.* at ¶4.). Accordingly, Arch is a citizen of New York. *See* 28 U.S.C. §1332(c) (“For the purposes of this section and second 1441 of this title...a corporation shall be deemed a citizen of every State and foreign state by which it has been incorporated and the State or foreign state where it has its principal place of business...”).

8. Defendant Ricky Carwile is a citizen of Missouri (*Id.* at ¶2.)

9. Defendant Woody Bogler Trucking Company has its principal place of business in Missouri. (*Id.* at ¶3.)

10. Therefore, there is complete diversity of citizenship between Plaintiff and Arch in accordance with 28 U.S.C. §1332(a)(1).

Amount in Controversy

11. As shown in the Petition, the amount in controversy exceeds \$75,000, exclusive of interest and costs. (*See* Ex. 2, Pet., - “WHEREFORE” paragraph.)

Removal Venue and Notice

12. Removal venue is appropriate in this Court, as this Court embraces Bryan County, the district in which the State Court Action was pending.

13. Written notice of the filing of this Notice of Removal will be given promptly to counsel for Plaintiff, and a copy of the Notice of Removal will be filed with the Clerk of the District Court of Bryan County, Oklahoma, as required by 28 U.S.C. §1446(d).

Conclusion

14. This is a civil action over which this Court has original subject matter jurisdiction pursuant to the provisions of 28 U.S.C. §1332. This action is one that may be removed to this Court by Arch pursuant to the provisions of 28 U.S.C. §1441, in that it is a civil action between citizens of different states, and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs.

15. Therefore, under the applicable provisions of 28 U.S.C. §§ 1332, 1441, and 1446, Arch has complied with all necessary requirements and is entitled to remove this action.

Accordingly, Arch removes all claims in the State Court Action from the District Court of Bryan County, Oklahoma, to the United States District court for the Eastern District of Oklahoma.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2022, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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